

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 25, 2008.

Claims 40-78 are in the application. Claims 51-56 and 68-78 have been withdrawn.

Claims 40-50 and 57-67 were provisionally rejected on the ground of non-statutory-type double patenting as being unpatentable over claims 1-20 of "copending" application no. 10/459833 in view of Konishi et al (US Patent No. 6,145,519). Claims 40-44 and 57-61 were rejected under 35 USC 102(b) as being anticipated by Kenji et al (JP 08-145300). Claims 45-50 and 62-67 were rejected under 35 USC 103(a) as being unpatentable over Kenji et al in view of Konishi et al. It is noted that the "copending" application has actually issued as US Patent No. 6,807,455.

In response to all of the above rejections, the claims have been amended to more positively claim the collection part and its configured function and the abnormality detection part and its configured function. With respect to the latter, independent claims 1 and 57 have been amended to specify that the substrate processing system and apparatus respectively, have:

"...an abnormality detection part configured to assess a processing abnormality in said substrate processing apparatus based on a combination of said plurality of control elements collected by said collection part and to detect a processing abnormality based on the assessing..."

Accordingly, the invention, as claimed in claims 40 and 57 (and claims dependent thereon), requires the monitoring and collecting of control elements in the processing of a substrate in the substrate processing apparatus and the subsequent assessment by the abnormality detection part of a processing abnormality based on a plurality of the collected control elements and to thereby detect a processing abnormality based on the assessing. Support for such amendments is found at page 19 of the present specification, with a subsequent discussion of the assessment of the plurality of abnormalities, with examples, on the pages following through to page 26.

The present invention, as claimed in claims 40 and 57, requires the assessment of a plurality of control elements and their assessment **in combination** for the determination and detection of an actual processing abnormality. This assessment encompasses (as

described) a situation wherein individual control elements may be out of the normal range with a technical abnormality but wherein a combination of abnormalities provide an overall compensation and normal processing condition and a detecting of no abnormality. None of the cited Kenji, or copending application provide, teach or even suggest a configuration of an apparatus or system which can provide an overall abnormality compensation based on an assessment of overall operating control elements and the above situation would be considered abnormal by the cited references.

The cited Kenji and copending application references base detection of abnormal conditions (Konishi does not disclose abnormal condition assessments nor was it cited for such) on single parameter assessments, e.g., abnormal flow rate of Kenji et al. There is thus no anticipation of the claims by Kenji et al. nor does Kenji et al., even in combination with Konishi et al., provide the presently claimed invention of claims 40 and 57 and claims 41-50 and 58-67) dependent thereon.

With respect to the rejection based on the "copending application" it is submitted that the issued claims in US Patent No. 6,807,455 of the copending application, are unrelated to those of the present application, with the claims in such patent neither containing a collecting part configured to collect a plurality of control elements nor an abnormality detection part configured to assess and detect processing abnormality based on a combination of a plurality of control elements.

In view of the above amendment and discussions the claims are in condition for allowance and such favorable action is respectfully requested.

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Respectfully submitted,



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